HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.NO. 10803 OF 2007

DATED: 24.5.2007

Between:

M/s Godavari Hybrid Seeds Company,
Ankapoor

… Petitioner

and

The Govt. of A.P., represented by its
Principal Secretary, Agricultural
Department and others

… Respondents

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.NO.10803 OF 2007

ORAL ORDER:

The petitioner is dealing in the business of manufacturing and selling of seeds in the market, in the name and style of M/s Godavari Hybrid Seeds Company, Ankapoor village, Armoor Mandal, Nizamabad District.

Proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') were initiated against the petitioner and the respondent No.4 passed orders on 15.5.2007 in Case No. CS6/376/07, whereby he confiscated the stock seized earlier. Questioning the said order, the petitioner filed Crl.Appeal No.26 of 2007 before the learned Sessions Judge (Special Judge for cases under the E.C. Act), Nizamabad. The petitioner claims to have sought for a direction to release the confiscated stocks, pending the appeal.

This writ petition is filed by the petitioner with a grievance that though he filed appeal, the vacation judge is not taking up the interim application though a request was made in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Agriculture.

In view of the fact that the main appeal filed against the order of confiscation is pending, I am not inclined to go into the merits of the case. However, if the confiscated stocks are sold pending the appeal, the appeal itself would be rendered infructuous. Therefore, having regard to the aforementioned facts, I deem it appropriate to direct the respondents not to sell the goods confiscated, under the order of the 4th respondent dated 15.5.2007, till the disposal of the appeal. Since any delay in disposal of the appeal may lead to confiscated goods being getting damaged, the learned Sessions Judge (Special Judge for Cases under the E.C. Act), Nizamabad, is directed to dispose of the Criminal Appeal No. 26 of 2007, within a period of 6 weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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C.V. NAGARJUNA REDDY, J

Date: 24.5.2007

NOTE (1): Mark a copy of this order to the Learned Sessions Judge (Special Judge for Cases under the E.C. Act), Nizamabad.

(2) CC by tomorrow.